

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00618

Tracy Neil Truelove,
Plaintiff,

v.

Maxey Cerliano et al.,
Defendants.

ORDER

Plaintiff Tracy Neil Truelove, a former inmate at the Gregg County Jail proceeding pro se, filed this lawsuit pursuant to 42 U.S.C. § 1983. This case was referred to United States Magistrate Judge K. Nicole Mitchell. The magistrate judge issued a report recommending that plaintiff's civil-rights lawsuit be dismissed, with prejudice, for failure to state a claim upon which relief may be granted. Doc. 13. The report was returned as "undeliverable," and plaintiff has not filed a change of address. Doc. 14. No objections were filed to the magistrate judge's report.

Plaintiff's failure to provide the court with an updated physical address evinces his failure to prosecute his own case. *See Martinez-Reyes v. United States*, 2016 WL 8740494, *4 (S.D. Tex. Oct. 10, 2016) (explaining that, generally, "litigants, including prisoners, bear the burden of filing notice of a change of address in such a way that will bring attention of the court to address change.") (quoting *Theede v. U.S. Dep't of Labor*, 172 F.3d 1262, 1267 (10th Cir. 1999)).

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Plaintiff's civil-rights action is dismissed, with prejudice, for both the failure to state a

claim upon which relief may be granted and the failure to prosecute. Any pending motions are denied as moot.

So ordered by the court on December 15, 2021.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge